



INSIGHTS

108th Congress

August 4, 2003

*Also available on the FEMP Home Page at
www.eere.energy.gov/femp/resources/insights.html.*

Weekly Summary

New Legislation

Committee Activity

House

Senate

**Administration
Initiatives**

**Status of FY 2004
Appropriations Bills**

Hearings Schedule

INSIGHTS is prepared expressly for the Department of Energy's Office of Federal Energy Management Programs (FEMP). The purpose of ***INSIGHTS*** is to provide FEMP management staff with timely information on legislative activities relevant to the program. ***INSIGHTS*** is prepared for FEMP by Energetics, Incorporated, (202) 479-2748.

DON'T FORGET!

Energy 2003 will be held on August 17 - 20 in Lake Buena Vista, Florida.

Go to the ***Energy 2003*** web page at www.energy2003.ee.doe.gov to register.

I. WEEKLY SUMMARY

CONGRESSIONAL SCHEDULE

House

The House is on recess until September 3.

Senate

The Senate is on recess until September 3.

CONFERENCE COMMITTEES/VOTES

No actions to report.

[Back to Table of Contents](#)

II. COMMITTEE ACTIVITY

HOUSE

The House has been in recess. No new activities of interest to report.

Legislation

No new bills of interest.

Summary of Hearings

See summary charts below.

SENATE

Legislation

Comprehensive Energy Legislation in 107th Congress

Senate introduced
S. 517 on 3/12/01

House introduced
H.R. 4 on 7/27/01

House passes
H.R. 4 on 8/2/01
and sends bill to Senate

Senate reads **H.R. 4**

Senate substitutes the
entire text of **S. 517** into
H.R. 4 and requests a
conference

House/Senate
Conference Committee
meets, but fails to
negotiate differences
between the two bills

STATUS:
NO ENERGY BILL
PASSED IN 107th
CONGRESS

Comprehensive Energy Bill Just prior to recessing for the month of August, the Senate voted 84-14 to substitute last year's comprehensive energy bill, *S. 517* (which failed in conference) for this year's bill, *S. 14*. A House/Senate conference committee will convene this fall to negotiate a single bill to be voted on separately by the House and Senate. Despite initial hesitation by both Democrats and Republicans to endorse the switch to last year's bill, both parties agree that they will benefit. Democrats benefit because *S. 517* contains numerous Democratic-sponsored provisions including increased consumer protection for utility customers, a renewable portfolio standard, and numerous energy efficiency and renewable energy tax incentives. Republicans favor the agreement because *S. 517*, which received over 80 Senate votes in the last Congress, can serve as a legislative vehicle for the current Senate. Pete Domenici (R/NM), who is spearheading passage of comprehensive energy legislation in the Senate, plans to rewrite this bill to favor Republican priorities, which will make negotiations easier with a Republican-controlled House.

At stake are a number of partisan issues. For example, Republicans want to increase oil and gas production, provide tax incentives, and provide some enhancements to DOE's energy efficiency and

renewable energy programs. The Republican leadership in the House and Senate differ over how to approach utility restructuring, with the House favoring standard market design and the Senate instead supporting state authority. Democrats strongly favor energy efficiency and renewable energy, establishment of a renewable energy portfolio standard, strengthening consumer protection for utility customers, expanding the Federal climate change program, and preventing drilling in the Arctic National Wildlife Refuge. Regional issues also add to the complexity of passing an energy bill. Farm-state Republicans and Democrats have demanded language supporting the development of corn-based ethanol as a source of fuel. Likewise, Republicans and Democrats representing states with an auto industry presence oppose a provision that would automatically increase Corporate Average Fuel Economy (CAFE) standards for vehicles.

Both the House and Senate energy bills, *H.R. 6* and *S. 14* included similar provisions regarding Federal energy management as well as a number of energy efficiency and renewable energy provisions dealing with buildings, appliances and equipment, among other measures. In general, these provisions appear to be non-controversial and should be included in an energy bill if passed this year. Passage of language dealing with a renewable portfolio standard, utility restructuring, CAFE standards, and climate change remains uncertain. Some observers believe that in order to pass energy legislation this year, the utility title may have to be removed and addressed under separate legislation due to the complexity and lack of consensus on the issues.

Comprehensive Energy Legislation in 108th Congress

House introduced
H.R. 6 on 4/7/03 (bill
based on **H.R. 4**, but
with additional
provisions, including a
utility title)

Senate introduced
S. 14 on 4/30/03

House passes
H.R. 6 on 4/11/2003 and
sends bill to Senate

Senate reads **H.R. 6**

Senate substitutes the
entire text of **S. 517** (a
Democratic bill from the
107th Congress) into
H.R. 6 and requests a
conference
with the House
(Republican leadership
plans to delete selected
provisions from **S. 517**
and rewrite the bill)

STATUS:
HOUSE-SENATE
CONFEREES
SCHEDULED TO MEET
IN SEPTEMBER TO
RESOLVE
DIFFERENCES

What Did They Say? Provided below are comments from key players involved in crafting and passing comprehensive energy legislation.

Scott McClellan, *White House Press Secretary*

The President commends the Senate for passing energy legislation that will help America meet our future energy needs and boost the economy. Together, the House and Senate energy bills include the major conservation and environmentally responsible production measures needed to reduce our reliance on foreign sources of energy. We must increase our energy independence and the President looks forward to working with the conferees to ensure that we enact a balanced and comprehensive energy policy this year.

Spencer Abraham, *Secretary of Energy*

The Senate's passage of a comprehensive energy bill is a vitally critical step to ensure that consumers, farmers, small businesses, manufacturers and their employees will benefit from sound energy policy. I look forward to working with House and Senate leaders to finalize a comprehensive energy bill that benefits the country and includes the President's energy policy priorities.

Senator Pete Domenici (R/NM), *Chair of the Committee on Energy and Natural Resources*

This deal is not how I envisioned getting an energy bill to conference. But if it gets us closer to our goal, I consider it a win. I consider it a win for a nation in desperate need of a bold and balanced energy policy that will create jobs, protect our economy and make us less dependent on foreign energy.

I look forward to chairing the conference on this bill. I promise you we will write many of this year's energy provisions into the bill at conference. We will do more production. We will do more for energy diversity. We will do more for research. The final bill will look more like what I produced in committee this spring than the bill we just passed.

Senator Tom Daschle (D/SD), *Minority Leader*

Tonight, the Senate passed a comprehensive energy bill that is the product of much hard work and bipartisan compromise. This bill, which is identical to the energy bill passed overwhelmingly last year under Democratic leadership, will reduce America's dependence on foreign sources of energy and help control rising energy costs for America's businesses and consumers. This bill isn't perfect, but it is a vast improvement over the Republican bill in the Senate and an immeasurable improvement over the Republican bill in the House...I believe this legislation is a sensible and balanced plan to guide the nation in its energy use over the next few decades. It benefits consumers. It increases domestic energy supplies. It enhances energy efficiency. And, it protects the environment...the legislation will help ensure abundant and affordable energy for all Americans and create jobs by providing tax incentives and other inducements to build new cleaner coal-fired power plants, and more extensively utilize our renewable energy resources, like solar, geothermal, biomass, and wind because of inclusion of a Renewable Portfolio Standard.

Senator Jeff Bingaman, *Ranking Minority Member of the Committee on Energy and Natural Resources*

I'm pleased that the Senate recognized the value of the long, hard work that Members put

into an energy bill in the last Congress, [the balance we successfully struck between energy production and energy efficiency](#), and our recognition of the linkage between energy policy and environmental policy, including climate change....The strength of this bill is its broad, bipartisan support, and we hope the conference will produce a bill that can command similar bipartisan support.

FY 2004 Appropriations for Homeland Security and Transportation, Treasury, and General Government See below charts for updated information.

HOMELAND SECURITY			
	Harold Rogers (R/KY) Subcommittee Chair	Thad Cochran (R/MS) Subcommittee Chair	Budget Request \$27.481 billion
Key Program Activity	House Bill	Senate Bill	
	H.R. 2555 (H. Rept. 108-169) Current Status: Passed the House on June 24. Total Funding: \$29.4 billion	H.R. 255 (S. Rept. 108-86) Current Status: Passed the Senate on July 24. Total Funding: \$28.5 billion	Statement of Administration Policy <u>Administration supports passage of House bill</u> , but states that the Committee substantially reduced Departmental operations and did not fund the headquarters facility project. Funding is required to meet the new Department's facility needs. Administration believes a strong headquarters operation is essential to the coordination and management oversight of a New Department and its components, especially as it is taking root. Reduction would inhibit this ability. <u>Administration supports passage of Senate bill</u> , despite different views on unrelated provisions.
Headquarters Facility	Total Funding: \$0 Funding Committee opposes request for \$30 million for a new facility and recommends GSA should be the lead agency for construction of a new facility.	Total Funding: \$0 million Committee does not recommend appropriations for a consolidated "Departmental Operations" account.	
United States Coast Guard (Total FY 2003 appropriations funding level unspecified)	Total Funding: Unspecified Funding Level (for acquisitions, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment)	Total Funding: Unspecified Funding Level (for acquisitions, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment)	
United States Secret Service (FY 2003 appropriations totaled \$3.519 million)	Total Funding: Unknown (for acquisitions, construction, improvements, and related expenses)	Total Funding: \$Unknown (for acquisitions, construction, improvements, and related expenses)	
Bureau of Immigration and Custom Enforcement (unknown)	Total Funding: Unspecified Funding Level (for construction)	Total Funding: \$26.775 million (for construction)	
Federal Law Enforcement Training Center (FY 2003 appropriations \$32.029 million)	Total Funding: \$32.323 million (for expansion)	Total Funding: \$28.708 million (for expansion)	
Bureau of Customs and Border Protection (FY 2003 funding level unknown)	Total Funding: Unspecified	Total Funding: \$90.363 million (to plan, construct, renovate, equip, and maintain buildings and facilities)	
James J. Rowley Training Center	Total Funding: Unspecified (to prepare a master plan)	Total Funding: \$3.579 million (to continue develop of the current master plan and to maintain and renovate center's existing facilities)	

TRANSPORTATION, TREASURY, AND GENERAL GOVERNMENT

	<i>Ernest Istook (R/OK)</i> Subcommittee Chair	<i>Richard Shelby (R/AL)</i> Subcommittee Chair	<u>Budget Request</u> \$27.802 billion
Key Program Activity	House Bill	Senate Bill	
	<i>H.R. _____ (bill number pending)</i>	<i>S. _____</i>	
	Current Status: Passed the House on June 24. Total Funding:	Current Status: A bill has not been introduced in the Senate. Total Funding:	
General Services Administration			
Federal Building Program (FY 2003 appropriations totaled \$1.626 billion for new construction, repairs and alterations, and \$8 million for energy projects)	<u>Total Funding:</u> \$406.168 million for construction and acquisition, \$3.308 billion for rental of space, and \$6.458 million for repairs and restoration)	<u>Total Funding:</u>	
Department of the Treasury			
Treasury Building and Annex Repair and Restoration (FY 2003 appropriations totaled \$28.744 million)	<u>Total Funding:</u> \$25 million	<u>Total Funding:</u>	
White House Repair			
White House Repair and Restoration Project (FY 2003 appropriations totaled \$1.192 million)	<u>Total Funding:</u> \$4.225 million (for ongoing restoration, which includes various electrical, mechanical and control system components)	<u>Total Funding:</u>	

[Back to Table of Contents](#)

III. STATUS OF FY 2004 APPROPRIATIONS BILLS

(In Millions)

HOUSE

SENATE

<i>Jurisdiction/ FY 2004 Budget Request</i>	<i>302(b) Allocations / Approved Funding Level</i>	<i>Bill No.</i>	<i>Full Cmte. Mark Up</i>	<i>Floor Vote</i>	<i>Conf.</i>	<i>302(b) Allocations/Approv ed Funding Level (New)</i>	<i>Bill No.</i>	<i>Full Cmte. Mark Up</i>	<i>Floor Vote</i>	<i>Conf.</i>
Agriculture 17,141	\$17,005	<i>H.R.</i> 2673	6/25	7/14		\$17,005	<i>S.</i> 1427	7/17		
Commerce 37,685	\$37,914	<i>H.R.</i> 2799_	7/16	7/23		\$37,014				
Defense 371,698	\$368,662	<i>H.R.</i> 2658	6/26	7/8		\$368,662	<i>S.</i> 1382	7/9	7/17	
Energy and Water Development 26,946	\$27,080	<i>H.R.</i> 2754	7/15	7/18		\$427,313	<i>S.</i> 1424	7/17		
Homeland Security 27,481	\$28,521	<i>H.R.</i> 2555	6/17	6/24		\$28,521	<i>H.R.</i> 2555	7/10	7/24	
Interior 19,552	\$19,627	<i>H.R.</i> 2691	6/25	7/17		\$19,627	<i>S.</i> 1391	7/10		
Labor / HHS 137,990	\$138,046	<i>H.R.</i> 2660	6/25	7/10		\$137,601	<i>S.</i> 1356	6/26		
Military Construction 9,237	\$9,196	<i>H.R.</i> 2559	6/17	6/26		\$9,196	<i>S.</i> 1357	6/26	7/11	
Transportation and Treasury 27,802	\$27,502	<i>H.R.</i> _____	7/24			\$27,502				
VA/HUD 89,434	\$90,034	<i>H.R.</i> 2861	7/21	7/25		\$90,034				

[Back to Table of Contents](#)

IV. NEW LEGISLATION

(Note: Once a new bill is introduced, the Government Printing Office generally requires from several days to one week to make the bill available in print)

HOUSE

Number	Short title	Date	Sponsor	Status
H.R. 2865	Clean Air Incentive Act of 2003	7/23/03	Dennis Cardoza (D/CA)	Referred to Committee on Ways and Means
	Amends the <i>Internal Revenue Code of 1986</i> , to provide a credit for qualified clean-fuel vehicles which are used in certain ozone nonattainment areas.			
H.R. 2743	Government Accountability and Streamlining Act of 2003	7/15/03	Jo Ann Davis (R/VA)	Referred to Committee on Government Reform and Committee on Rules
	Requires General Accounting Office (GAO) to issue statements on legislation providing a new entity, program, or function.			
	GAO shall submit to subcommittee or committee a statement of whether new Federal entities, programs, or functions are authorized by the bill or resolution; whether an existing Federal entity or program carries out functions that are similar to those authorized by the bill or resolution; and whether the existing entity or program may more effectively and efficiently perform the functions and carry out the purposes of the bill or resolution than the entity or program authorized by the bill or resolution.			

SENATE

Number	Short title	Date	Sponsor	Status
S. 1471	No Short Title	7/28/03	Maria Cantwell (D/WA)	Referred to Committee on Energy and Natural Resources
	Amends the <i>Public Utility Regulatory Policies Act of 1978</i> , to require electric utilities to provide net metering service.			
	Owner or operator of on-site generating facility shall not be charged any additional standby, capacity, interconnection, or other rate or charge.			
	Owner or operator of on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period with a kilowatt-hour credit toward bill or a cash refund.			
S. 1476	Wind Power Tax Incentives Act of 2003	7/28/03	Tom Harkin (D/IA)	Referred to Committee on Finance

Number	Short title	Date	Sponsor	Status
	Offsets passive activity losses and credits from wind energy facilities.			
	Provides credit for wind energy facilities allowed against minimum tax.			

[Back to Table of Contents](#)

V. ADMINISTRATION INITIATIVES

No new initiatives or policy statements to report.

[Back to Table of Contents](#)

VI. HEARINGS SCHEDULE

HOUSE – COMMITTEE ON APPROPRIATIONS

There are no hearings of interest to report as the House has adjourned for the August recess.

HOUSE – AUTHORIZATIONS/OVERSIGHT

There are no hearings of interest to report as the House has adjourned for the August recess.

CONFERENCE COMMITTEE NEGOTIATIONS/FLOOR VOTES

There are no activities of interest to report as the House has adjourned for the August recess.

SENATE – COMMITTEE ON APPROPRIATIONS

There are no activities of interest to report as the Senate has adjourned for the August recess.

SENATE – AUTHORIZATIONS/OVERSIGHT

There are no activities of interest to report as the Senate has adjourned for the August recess.

CONFERENCE COMMITTEE NEGOTIATIONS/FLOOR VOTES

No new activities of interest have been scheduled.

[Back to Table of Contents](#)